

**NIKOLAI, MERSEREAU & DIETZ, P.A.**  
**900 SECOND AVENUE SOUTH, SUITE 820**  
**MINNEAPOLIS, MN, U.S.A. 55402-3325**  
**Telephone: (612) 339-7461 Telecopier: (612) 349-6556**

## **FACSIMILE TRANSMISSION**

**TO:****Name: Gerald R. Ewoldt****Fax No.: (703) 305-7401**

**Firm: United States Patent and Trademark Office, Group Unit 1644**  
**City: Washington State: DC Country:**

**FROM:****Name: C.G. Mersereau****Fax No.: (612) 349-6556****NIKOLAI, MERSEREAU & DIETZ, P.A., 900 Second Ave. S., #820, Minneapolis, MN 55402****DATE: April 21, 2000****TIME: 2:30 P.M.****TOTAL PAGES incl. cover sheet: 2**

If you do not receive all pages, please call the Telecopier Operator at (612) 339-7461 ASAP.

This fax transmission is confidential and may be privileged and only is intended for use of the addressee.

If you are not the addressee (or a person responsible for delivering this transmission to the addressee), do not use this transmission in any way, but promptly contact the telecopier operator by telephone at (612) 339-7461.

**Telecopier Operator:****Linda Rice****MESSAGE:****Regarding Serial No. 08/737,457**

**Thank you for the phone call today. As instructed to follow is a signed page 5 of the Amendment dated March 27, 2000. Thank you for the phone call today.**

**C.G. Mersereau****Phone: (612) 339-7461**

motivation to replace the anti-immunoglobulin antibody that binds to B-cell surface immunoglobulins with any other binding portion. In addition, the Examiner contends that Fawell et al teaches the use of the HIV tat protein for cellular translocation and that Noguchi et al teaches the use of p53 as a candidate for T cell recognition.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive to support the combination. The combined disclosures of the '323 patent, Fawell et al, and Noguchi et al do not teach or suggest Applicant's combination of elements.

Therefore, the rejection of rejected Claims 1, 2, 4 and 13 under 35 U.S.C. § 103(a) as obvious is improper and accordingly, Applicants respectfully request that the rejection of Claims 1 to 3 and 5 to 23 under 35 U.S.C. § 103(a) be withdrawn.

In view of the above amendments and Applicants' remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-1265. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

NIKOLAI, MERSEREAU & DIETZ, P.A.



Charles G. Mersereau, Esq.  
Attorney for Applicants  
Reg. No. 26,205  
820 International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402  
(612) 392-7304